

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
FIFTY-NINTH LEGISLATURE

FIFTIETH LEGISLATIVE DAY
MONDAY, FEBRUARY 25, 2008

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 10 a.m.

Roll call showed all members present except Senators Coiner and Gannon, absent and formally excused by the Chair; and Senators Kelly, McGee, McKenzie, Pearce, and Stennett, absent and excused.

Prayer was offered by Chaplain Goebel.

The Pledge of Allegiance was led by Kristen McIntosh, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 22, 2008, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senators McGee and Pearce were recorded present at this order of business.

February 22, 2008

The JUDICIARY AND RULES Committee reports that **SCR 126** has been correctly enrolled.

DARRINGTON, Chairman

The President Pro Tempore signed Enrolled **SCR 126** and ordered it transmitted to the House for the signature of the Speaker.

February 22, 2008

The JUDICIARY AND RULES Committee reports that Enrolled **S 1272** was delivered to the Office of the Governor at 12:25 p.m., February 22, 2008.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

February 22, 2008

The STATE AFFAIRS Committee reports out **H 445** with the recommendation that it do pass.

McKENZIE, Chairman

H 445 was filed for second reading.

On request by Senator Stegner, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

Senator McKenzie was recorded present at this order of business.

February 21, 2008

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Lee Gagner of Idaho Falls, Idaho, was appointed as a member of the Idaho Transportation Board to serve a term commencing February 13, 2008, and expiring January 31, 2014.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C. L. 'Butch' Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Transportation Committee.

The Senate advanced to the Ninth Order of Business.

Messages from the House

February 22, 2008

Mr. President:

I transmit herewith **H 405, H 407, H 500, H 515, H 493, H 522, H 523, and H 473**, which have passed the House.

ALEXANDER, Chief Clerk

H 405, H 407, H 500, H 515, H 493, H 522, H 523, and H 473 were filed for first reading.

February 22, 2008

Mr. President:

I return herewith **SCR 125** and **S 1349**, which have passed the House.

ALEXANDER, Chief Clerk

SCR 125 and **S 1349** were referred to the Judiciary and Rules Committee for enrolling.

February 22, 2008

Mr. President:

I return herewith Enrolled **S 1248, S 1261, S 1262, S 1288, and S 1337**, which have been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled **S 1248, S 1261, S 1262, S 1288, and S 1337** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

Senator Kelly was recorded present at this order of business.

The President Pro Tempore announced the Judiciary and Rules Committee report relative to the Gubernatorial appointment of Milford Terrell was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Goedde, seconded by Acting Senator Sagness, the Gubernatorial appointment of Milford Terrell as a member of the State Board of Education was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1439

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE PUBLIC UTILITIES COMMISSION FOR FISCAL YEAR 2009; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

S 1440

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO SPECIAL MOTOR VEHICLE LICENSE PLATES; AMENDING SECTION 49-402, IDAHO CODE, TO PROVIDE A CODE REFERENCE; AMENDING CHAPTER 4, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-415E, IDAHO CODE, TO ESTABLISH THE IDAHO 2009 SPECIAL OLYMPICS WORLD WINTER GAMES SPECIAL LICENSE PLATE PROGRAM; AND DECLARING AN EMERGENCY.

S 1441

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO UNIFORMITY OF FIREARMS REGULATION; REPEALING SECTIONS 31-872 AND 50-343, IDAHO CODE, RELATING TO REGULATION OF FIREARMS BY COUNTIES AND CITIES; AMENDING CHAPTER 33, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-3302J, IDAHO CODE, TO PROVIDE LEGISLATIVE FINDINGS, TO PROVIDE FOR PREEMPTION OF ALL REGULATION OF FIREARMS BY A COUNTY, CITY, AGENCY, BOARD OR ANY OTHER POLITICAL SUBDIVISION OF THIS STATE WITH EXCEPTIONS, TO PROVIDE FOR APPLICATION AND PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY.

S 1439, S 1440, and S 1441 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 405, H 407, H 500, and H 515, by Resources and Conservation Committee, were introduced, read the first time at length, and referred to the Resources and Environment Committee.

H 493, H 522, and H 523, by Business Committee, were introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

H 473, by Resources and Conservation Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

H 537, H 538, and H 539, by Appropriations Committee, were read the second time at length and filed for third reading.

H 414, by Commerce and Human Resources Committee, was read the second time at length and filed for third reading.

H 492, H 454, and H 455, by Business Committee, were read the second time at length and filed for third reading.

S 1390, by Transportation Committee, was read the second time at length and filed for third reading.

H 364, by Transportation and Defense Committee, was read the second time at length and filed for third reading.

H 431, by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

S 1402, by Local Government and Taxation Committee, was read the second time at length and filed for third reading.

S 1252, as amended, by Commerce and Human Resources Committee, was read the second time at length and filed for third reading.

S 1403, as amended, by Education Committee, was read the second time at length and filed for third reading.

S 1415, as amended, by State Affairs Committee, was read the second time at length and filed for third reading.

S 1422, as amended, and **S 1431**, as amended, by Judiciary and Rules Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

The President assumed the Chair.

Senator Stennett was recorded present at this order of business.

S 1407 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Burkett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 33.

NAYS--None.

Absent and excused--Coiner, Gannon. Total - 2.

Total - 35.

Whereupon the President declared **S 1407** passed, title was approved, and the bill ordered transmitted to the House.

S 1428 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 33.

NAYS--None.

Absent and excused--Coiner, Gannon. Total - 2.

Total - 35.

Whereupon the President declared **S 1428** passed, title was approved, and the bill ordered transmitted to the House.

S 1388 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 33.

NAYS--None.

Absent and excused--Coiner, Gannon. Total - 2.

Total - 35.

Whereupon the President declared **S 1388** passed, title was approved, and the bill ordered transmitted to the House.

S 1385 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Jorgenson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Burkett, Cameron, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 32.

NAYS--Broadsword. Total - 1.

Absent and excused--Coiner, Gannon. Total - 2.

Total - 35.

Whereupon the President declared **S 1385** passed, title was approved, and the bill ordered transmitted to the House.

S 1344, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 33.

NAYS--None.

Absent and excused--Coiner, Gannon. Total - 2.

Total - 35.

Whereupon the President declared **S 1344**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

The President called President Pro Tempore Geddes to the Chair.

S 1380, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Davis arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 33.

NAYS--None.

Absent and excused--Coiner, Gannon. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **S 1380**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

S 1397, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 33.

NAYS--None.

Absent and excused--Coiner, Gannon. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **S 1397**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

S 1430 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 33.

NAYS--None.

Absent and excused--Coiner, Gannon. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **S 1430** passed, title was approved, and the bill ordered transmitted to the House.

S 1401 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Stegner, Stennett, Werk. Total - 32.

NAYS--Siddoway. Total - 1.

Absent and excused--Coiner, Gannon. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **S 1401** passed, title was approved, and the bill ordered transmitted to the House.

H 390 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 33.

NAYS--None.

Absent and excused--Coiner, Gannon. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **H 390** passed, title was approved, and the bill ordered returned to the House.

H 387 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 33.

NAYS--None.

Absent and excused--Coiner, Gannon. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **H 387** passed, title was approved, and the bill ordered returned to the House.

H 360 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Little arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 33.

NAYS--None.

Absent and excused--Coiner, Gannon. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **H 360** passed, title was approved, and the bill ordered returned to the House.

H 419 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bilyeu arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 33.

NAYS--None.

Absent and excused--Coiner, Gannon. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **H 419** passed, title was approved, and the bill ordered returned to the House.

H 420 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Heinrich arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 33.

NAYS--None.

Absent and excused--Coiner, Gannon. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **H 420** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, **H 351** retained its place on the Third Reading Calendar for one legislative day.

The President returned to the Chair.

H 352 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Jorgenson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 33.

NAYS--None.

Absent and excused--Coiner, Gannon. Total - 2.

Total - 35.

Whereupon the President declared **H 352** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Stegner, granted by unanimous consent, **H 366** retained its place on the Third Reading Calendar for one legislative day.

H 440 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

On request by Senator Hammond, granted by unanimous consent, **H 440** retained its place on the Third Reading Calendar for one legislative day.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:05 p.m. until the hour of 10 a.m., Tuesday, February 26, 2008.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary